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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,118	01/16/2002	Chikara Yokoyama	Q68037	3824

7590

01/15/2003

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EXAMINER

PHAM, LY D

ART UNIT

PAPER NUMBER

2818

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/031,118

Applicant(s)

YOKOYAMA ET AL.

Examiner

Ly D Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5 is/are rejected.
- 7) ☒ Claim(s) 3, 4 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office acknowledges receipt of the following items from the applicant:

Information disclosure statements (IDS) were considered.

### *Election/Restrictions*

2. Applicant's election without traverse of claims 1 – 6 in Paper No. 5 is acknowledged.
3. Claims 7 – 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.
4. Claims 1 – 6 are presented for examination.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 – 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Mochizuki et al. (US Pat 4,313,180).

Regarding **claim 1**, Mochizuki et al. disclose a data backup apparatus, comprising:

a dynamic RAM for storing data (fig. 1, DRAM 7);

a detection means for detecting an OFF command of a main power supply (fig. 1, detection circuitry 4, col. 2, lines 37 – 41: AC power source being the main power supply); and

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control means for changing said dynamic RAM to a self-refresh mode (abstract: The CPU develops a refresh control signal for refreshing the memory data stored in the dynamic RAM. An additional refresh control circuit is provided outside of the CPU for developing another refresh control signal. The additional refresh control circuit is connected to receive the electric power from a backup battery included in the electronic apparatus. When the service interruption occurs, the additional refresh control circuit is enabled to maintain the memory data stored in the dynamic RAM.) when said detected means detects the OFF command of the main power supply (col. 4, lines 16 - 42), and feeding power from a backup power supply to said dynamic RAM (abstract: The additional refresh control circuit is connected to receive the electric power from a backup battery included in the electronic apparatus.).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki et al. in view of Abe (US Pat 5,590,082).

Regarding **claim 2**, Mochizuki et al. disclose the data backup apparatus according to claim 1, except wherein said control means makes the dynamic RAM supplied with power from the main power supply during the period from the detection of the OFF command of the main power supply to completion of the changing to the self-refresh mode. This is nevertheless taught by Abe (col. 1, line 57 – col. 2, line 8. The DRAM is still supplied with power from the main power supply after the detection of the lowered voltage). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include the feature to the invention of Mochizuki so that a method for bringing the RAS signal and the CAS signal of a DRAM drive circuit to low level with a small amount or number of circuit components can be established (col. 1, lines 26 – 56).

Regarding **claim 5**, Abe further discloses the feature wherein said control means stops feeding of power from the main power supply to a predetermined equipment, when an output voltage of the main power supply is reduced (col. 2, lines 9 – 28: to completely finish the data transfer being executed and stop the following transfer as well as cause the refreshing function to be executed and the self-refresh mode to be established).

***Allowable Subject Matter***

9. Claims 3 – 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. When responding to the office action, Applicant(s) are advised to provide the examiner with the page and line numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

12. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) day from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02(b)).

13. Any inquiry concerning this communication on earlier communications from the examiner should be directed to Ly Pham, whose telephone number is 703-305-4862. The examiner can normally be reached on Monday – Friday from 8:30am to 5:00pm, alternate Friday off. The examiner's supervisor, David Nelms, can be reached at 703-308-4910. The fax number for the organization where this application or proceeding is assigned is 703-308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Ly Pham



January 8, 2003



**HOAI HO  
PRIMARY EXAMINER**